

Appl. No. 09/756,471

Reply to Examiner's Action dated June 21, 2005

**REMARKS/ARGUMENTS**

The Applicants have carefully considered this application in connection with the Examiner's Action and respectfully request reconsideration of this application in view of the foregoing amendment and the following remarks.

The Applicants originally submitted Claims 1-37 in the application and subsequently added Claims 38-41. Pursuant to a restriction requirement, the Applicants previously canceled claims 17-37. The Examiner has withdrawn Claims 38-41 from consideration as being directed to a non-elected invention. The Applicants previously canceled Claims 3 and 15. Herein, the Applicants have amended Claims 1, 2, 4-14 and 16 and have not added or canceled any claims. Accordingly, Claims 1-2, 4-14 and 16 are currently pending in the application.

**I. Formal Matters and Objections**

The Examiner has objected to Claims 1, 2, 4, and 12-14 as containing terms lacking a sufficient antecedent basis for a limitation. The Applicants have amended these claims and now believe all limitations have a proper antecedent basis.

The Applicants acknowledge the Examiner's withdrawal from consideration of Claims 38-41 as being directed to a non-elected invention.

The Applicants also acknowledge the Examiner's statement that a previous response to an Office Action was not fully responsive because the rejection under the second paragraph of 35

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U.S.C. §112 was not addressed. The Applicants note that the Examiner has repeated the rejection and, in accordance with the Examiner's instructions, will respond accordingly.

**II. Rejection of Claims 2 and 9 under 35 U.S.C. §112**

The Examiner has rejected 2 and 9 under the second sentence of 35 U.S.C. §112 as being indefinite. The Applicants have amended Claims 2 and 9 to clarify the objectionable terms pointed out by the Examiner and to particularly point out and distinctly claim the subject matter regarded as the invention. The Applicants respectfully request the Examiner to withdraw this rejection.

**III. Rejection of Claims 1, 2, 4-6, 8, 9, 11-14 and 16 under 35 U.S.C. §102**

The Examiner has rejected Claims 1, 2, 4-6, 8, 9, 11-14 and 16 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,687,241 to Goss. As the Examiner is no doubt aware, anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference; the disclosed elements must either be disclosed expressly or inherently and must be arranged as in the rejected claims.

Goss does not describes a system with a call processing network that has a workflow manager receiving a customer media event and identifying attributes and associating values with such customer media event. Goss also does not have a database associated with the workflow manager that contains available agent attributes for the purpose of associating attributes of the media event with the agent attributes for the purpose of associating an available agent with a customer media event. Therefore, Goss does not disclose each and every element of the claimed invention

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and, as such, is not an anticipating reference for independent Claim 1. Because Claims 2, 4-6, 8, 9, 11-14 and 16 are each respectively dependent upon Claim 1, Goss also cannot be an anticipating reference for Claims 2, 4-6, 8, 9, 11-14 and 16.

In view of the foregoing remarks, the cited reference does not support the Examiner's rejection of Claims 1, 2, 4-6, 8, 9, 11-14 and 16 under 35 U.S.C. §102(e). The Applicants therefore respectfully request the Examiner to withdraw the rejection.

## **II. Rejection of Claim 7 under 35 U.S.C. §103**

The Examiner has rejected Claim 7 under 35 U.S.C. §103(a) as being unpatentable over Goss in view of U.S. Patent No. 6,330, 327 to Lee, *et al.* (Lee). As the Examiner is no doubt aware, determination of obviousness requires consideration of the invention considered as a whole; the inquiry is not whether each element exists in the prior art, but whether the prior art made obvious the invention as a whole. Furthermore, there must be some suggestion or teaching in the art that would motivate one of ordinary skill in the art to arrive at the claimed invention; a reference that teaches away from a claimed invention strongly indicates nonobviousness.

Moreover, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

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The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Applicant's disclosure.

As indicated above, Goss does not teach or suggest a system with a call processing network that has a workflow manager receiving a customer media event and identifying attributes and associating values with such customer media event. Goss also does not have a database associated with the workflow manager that contains available agent attributes for the purpose of associating attributes of the media event with the agent attributes for the purpose of associating an available agent with a customer media event. Lee does not overcome this shortcoming in Goss. Therefore, Goss, individually or in combination with Lee, fails to teach or suggest the invention recited in independent Claim 1, when considered as a whole. Inasmuch as Claim 7 is dependent on Claim 1 and includes all its limitations therein, Claim 7 is also not obvious in view of Goss and Lee.

In view of the foregoing remarks, the cited references do not support the Examiner's rejection of Claim 7 under 35 U.S.C. §103(a). The Applicants therefore respectfully request the Examiner to withdraw the rejection.

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**IV. Conclusion**

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1, 2, 4-9, 11-14 and 16.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

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